

AT AN ADJOURNED MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 25th DAY OF JANUARY, 2010 AT 6:30 P.M. IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

PRESENT:	Annette S. Perkins	-Chair
	James D. Politis	-Vice Chair
	Mary W. Biggs	-Supervisors
	William H. Brown	
	Gary D. Creed	
	Doug Marrs	
	John A. Muffo	
	F. Craig Meadows	-County Administrator
	L. Carol Edmonds	-Assistant County Administrator
	Martin M. McMahon	-County Attorney
	Steve Sandy	-Planning Director
	Ruth L. Richey	-Public Information Officer
	Vickie L. Swinney	-Secretary, Board of Supervisors

CALL TO ORDER

The Chair called the meeting to order.

INTO CLOSED MEETING

On a motion by Gary D. Creed, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Closed Meeting for the purpose of discussing the following:

- | | | |
|------------------|-----|---|
| Section 2.2-3711 | (5) | Discussion Concerning a Prospective Business or Industry or the Expansion of an Existing Business or Industry Where No Previous Announcement Has Been Made of the Business or Industry's Interest in Locating or Expanding Its Facilities in the Community. |
| | | 1. Project # 200920 |
| | (3) | Discussion or Consideration of the Acquisition of Real Property for Public Purpose, or of the Disposition of Publicly Held Real Property, Where Discussion in an Open Meeting Would Adversely Affect the Bargaining Position or Negotiating Strategy of the Public Body |
| | | 1. Old Blacksburg Middle School Property |
| | (1) | Discussion, Consideration or Interviews of Prospective Candidates for Employment; Assignment, Appointment, Promotion, Performance, Demotion, Salaries, Disciplining or Resignation of Specific Officers, Appointees or Employees of Any Public Body |
| | | 1. Economic Development Alliance (NRV) |

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
John A. Muffo	None
Doug Marrs	
Mary W. Biggs	
James D. Politis	
William H. Brown	
Gary D. Creed	
Annette S. Perkins	

OUT OF CLOSED MEETING

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Closed Meeting to return to Regular Session.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Doug Marrs	None
Mary W. Biggs	
James D. Politis	
William H. Brown	
Gary D. Creed	
John A. Muffo	
Annette S. Perkins	

CERTIFICATION OF CLOSED MEETING

On a motion by Mary W. Biggs, seconded by William H. Brown and carried unanimously,

WHEREAS, The Board of Supervisors of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Board.

VOTE

AYES
Mary W. Biggs
James D. Politis
William H. Brown
Gary D. Creed
John A. Muffo
Doug Marrs
Annette S. Perkins

NAYS
None

ABSENT DURING VOTE

None

ABSENT DURING MEETING

None

INVOCATION

A moment of silence was lead by the Chair.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

PRESENTATION

Virginia Law Enforcement Challenge Award

Don Allen, Virginia Chiefs of Police Association, presented the Montgomery County Sheriff's Department with the 2008 Virginia Law Enforcement Challenge Award. Montgomery County won First Place in the Category 5 Division that has at least 75-125 sworn deputies. The Montgomery County Sheriff's Office also won 3rd Place in the National Law Enforcement Challenge Award. The Law Enforcement Challenge is a program that promotes professionalism in traffic safety enforcement and encourages agencies to share best practices and programs with each other.

DELEGATIONS

Comprehensive Annual Financial Report for Fiscal Year Ended June 30, 2009

Billy Robinson, Brown, Edwards & Company, L.L.P., presented the County's Comprehensive Annual Financial Report for Fiscal Year ended June 30, 2009. Mr. Robinson provided a summary of the audit findings and commended the County for meeting the standards each year.

Prices Fork Community Presentation - Village Community Center Proposal

The Prices Fork community has established a committee, Citizens of Northwest Montgomery County, for the purpose of developing a plan to transform the existing Prices Fork Elementary School into a multi-use village center once the new elementary school has been built. Andrea Sharpe-Robison, President of the Citizens of Northwest Montgomery County, addressed the Board about the committee's vision and plan for the school. They would like to transform the old school, taking advantage of its strategic location to provide a mixed-use center that would include hospitality, entertainment, economic growth, arts/museum, and professional and small retail sales, and the center would be named Northwest Montgomery Village Center.

Ms. Sharpe-Robinson explained the committee will create a non-profit organization and establish a Board of Directors, and elect officers. They are developing plans for fundraising and a village center concept of operations. The committee will provide a quarterly progress report to the Board of Supervisors.

Jimmie Price, a member of the Board of Directors for the foundation, provided information on the historical and cultural significance of northwest Montgomery County. Mr. Price stated they hope to establish a museum in the community center to highlight the historical significance and artifacts of each community. A village community center can also be used for various types of events, such as wedding receptions. Mr. Price stated community events are currently held in church fellowship halls or the Prices Fork Grange.

B. Loyd, Vice President of the Citizens of Northwest Montgomery County, stated they have accomplished numerous goals since last appearing before the Board in the Fall 2009. The committee will continue to strive to make a village community center a reality and are aware this will take a lot of work and a great deal of money. Mr. Lloyd stated that the County's Comprehensive Plan includes the creation of the Prices Fork Village, which includes the need for the Prices Fork Village to remain an historical community. He asked the Board for their support.

The Board of Supervisors commended the Citizens of Northwest Montgomery County for their efforts to date. The Board asked if the committee had any financial plans for a village community center.

Mr. Lloyd replied that they are in the planning fundraisers and will apply for grants.

PUBLIC ADDRESS

Will Sharpe spoke in support of the Citizens of Northwest Montgomery County proposal to convert the existing Prices Fork Elementary School into a village community center. Mr. Sharpe stated as a former student of Prices Fork Elementary School the school means a lot to him and his friends and it is important to reuse this school as a community center.

There being no further speakers, the public address session was closed.

CONSENT AGENDA

On a motion by James D. Politis, seconded by William H. Brown and carried unanimously, the Consent Agenda dated January 25, 2010 was approved.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
James D. Politis	None
William H. Brown	
Gary D. Creed	
John A. Muffo	
Doug Marrs	
Mary W. Biggs	
Annette S. Perkins	

Approval of Minutes

On a motion by James D. Politis, seconded by William H. Brown and carried unanimously, the minutes dated August 24, 2009 were approved.

Appropriations and Transfers

A-FY-10-65 SHERIFF RECOVERED COSTS

On a motion by James D. Politis, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2010, for the function and in the amount as follows:

320	Sheriff County	\$29,680
321	Sheriff Grants	\$ 5,000
322	Sheriff – Project Lifesaver	<u>\$ 175</u>
	Total	\$34,855

The sources of the funds for the foregoing appropriation are as follows:

<u>Revenue Account</u>		
419108	Recovered Costs	\$29,680
424401	State Grants	\$ 5,000
424401	Project Lifesaver	<u>\$ 175</u>
	Total	\$34,855

Said resolution appropriates recovered costs, DMV grant funds, and project lifesaver funds for use by the Sheriff's department.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
William H. Brown	None
Gary D. Creed	
John A. Muffo	
Doug Marrs	
Mary W. Biggs	
James D. Politis	
Annette S. Perkins	

New River Land Trust and Virginia Outdoors Foundation – Purchase of Easement on Historic Catawba Farm

Steve Sandy, Planning Director, made a presentation on conservation easements and the request by the New River Land Trust (NRLT) and Virginia Outdoors Foundation (VOF) for funding to assist them in the purchase of development rights on property in Catawba Valley to be included in the conservation easement program. Mr. Sandy introduced Tamara Vance with the Virginia Outdoors Foundation and John Eustis, new Director of the New River Land Trust.

Mr. Sandy reported in September 2004, the Board of Supervisors established two new programs related to conservation easements as follows:

1. Revolving Loan Fund
 - \$20,000 to New River Land Trust
 - Assist lower income landowners with upfront costs
2. Conservation Easement Acquisition Fund
 - Assist with the purchase of conservation easements
 - Funded from excess roll-back taxes

The Conservation Easement Acquisition Fund is administered by the Board of Supervisors and currently has a total of \$108,000. The Board reviews each request and approves funding on a case-by-case basis.

The New River Land Trust and Virginia Outdoors Foundation is requesting \$78,000 to assist in acquiring the development rights on the Grubb Farm consisting of 245 acres located along Catawba Road. This property is a multi-generational family farm with a farmhouse that dates back to 1781, and both the farmhouse and barns are contributing structures for the National Rural Historical District.

Tamara Vance, Virginia Outdoors Foundation, provided additional information on their request. Ms. Vance stated the VOF provides assistance to protect farm and forest land for future generations. Property owners who are willing to place their property in a conservation easement are giving up all development rights on the property. There is an estimated 9,000 acres of land included in the conservation easement program in Montgomery County. The majority of properties included in the conservation easement program are donated by the property owner. There is a small percentage of property purchased with federal/state/local money.

Ms. Vance provided a break-down on the proposal:

Grubb Farm – 245 acres @ \$4,000 per acre	\$980,000
Average VOF statewide easement value	<u>38%</u>
Rough estimate of easement value	\$372,400
Request for Montgomery County Matching Funds (25%)	\$ 78,000
USDA Farm and Protection Program Request (50%)	\$156,000
Landowner Match (at least 25%)	<u>\$ 78,000</u>
Conservative value of easement	\$312,000

Supervisor Biggs asked who would be responsible for any amounts over the estimate. Ms. Vance replied that the property owner may be required to pay more. They will not request any additional monies from the County.

Zoning Ordinance Amendments

The Planning Director made a presentation on two proposed zoning amendments. The first proposal is a change to the definition of “premise” in the agriculture district and the second is to clarify the School of Special Instruction use in each zoning district.

The Planning Director provided the following information:

Definition of “premise” in the Agriculture District:

In 2008, the Planning staff began to receive complaints about numerous tractor trailers being used for the storage of agricultural products. In March 2009 the Board of Supervisors referred this issue to the Planning Commission for their review and recommendation. The Planning Commission discussed this issue on several occasions, held work sessions, solicited public comment and met with members of the Montgomery County Farm Bureau.

The primary zoning issue with the storage of trailers was that they were being used to store products that were not produced on the land where the trailers were located. Planning staff proposed an amendment that would restrict the number and location of storage trailers (tractor trailers) that could be used on a parcel of land in Agriculture. The Planning Commission felt like any changes to the County’s ordinance should not further restrict farming activities in the County.

The Planning Commission recommends an amendment to the current definition of Agriculture to include the following:

“For the purpose of this definition, “premises” shall include farming operations on land that is leased or owned under common management. Premises may include two or more adjacent lots or parcels of land that are geographically separated but farmed by the same operator.”

This new definition does not restrict the storage of agricultural products to those produced only on premise. It also clarifies the term premise. Premise includes all farming operations on land that may be owned, leased or under common management.

The Planning Director stated that this recommendation only amends the definition of what is allowed to be stored but does not address the use of trailers to store products on agricultural land.

The Planning Commission is requesting approval to schedule a public hearing to receive comments on the proposed amendment of the definition of premise in the Agriculture District.

Supervisor Politis commented that the approval of the amendment would bring all farmers in the County into compliance with the Zoning Ordinance. There are numerous farmers that own or lease land that are not adjacent to each other and store the produce only on one parcel. For example, a farmer may own land in Riner and in Elliston for growing hay; however, the hay is stored on the land owned in Riner. Supervisor Politis also stated the amendment follows the United States Department of Agriculture (USDA).

Supervisor Marrs expressed concern that a farm could end up with 100 trailers on it and believes there should be some sort of regulation.

The Planning Director replied that the Planning Commission did not feel comfortable regulating the number of trailers that could be used on one farm for storing agriculture produce. They are hesitant to adopt any restrictions due to one specific instance.

Supervisor Politis commented that it is not likely that 100 trailers would be placed on one farm. The use of trailers or portable barns is being used more these days and they are more cost efficient. He stated he realized the number of subdivisions have increased in Riner; however, the farms were there long before the subdivisions.

Supervisor Marrs stated he is not against farming but believes there needs to be some regulation on the number of trailers that can be stored. The way the zoning ordinance is written now there is a possibility of having 100 trailers on the same farm.

Supervisor Brown commented that there has to be a balance between the farmers and subdivisions. He believes that 25 trailers may be quite a few; however, there has to be a co-existence.

Supervisor Creed commented that if the land is being used by the farmer for farming and storage of hay he has no problem with the amendment; however, if this land is being used as a distribution site for the sale of hay then it is not considered part of farming. Also, he questioned the condition the trailers are in and if there is a regulation for owners to keep the trailers in suitable condition.

Supervisor Brown commented that he believes the trailers will be maintained as they will be used for storing of hay. Farmers will not keep hay in a storage unit that will cause mold or damage.

The Planning Director was instructed to survey other localities to see if they have any regulations or restrictions on the number and location of storage units that could be used on a parcel of land in Agriculture.

School of Special Instruction

The Planning Director reported in 2009 a request was received from a citizen to amend the Agricultural A-1 zoning district to allow a School of Special Instruction as a by-right use.

A School of Special Instruction is defined in the zoning ordinance but not listed as a use allowed in any district. The definition refers to this use as a facility for private instruction for uses as dance, music and gymnastics.

The citizen requesting the amendment is proposing to open a search and rescue training class and a yoga class.

On December 14, 2009 the Board of Supervisors referred this request to the Planning Commission for their review and recommendation.

The Planning Commission discussed this request at their meeting in January and recommended that a School of Special Instruction be permitted a by-right use in the General Business and Commercial Business zoning districts and allowed by special use permit in Agriculture (A-1) zoning.

Supervisor Perkins asked how a school of special instruction was different from a home business. The County Attorney replied that a home business is limited to one employee located in a residential home and there is no customer traffic.

The Planning Director thanked the Board for their time and reported a resolution requesting approval to advertise for public hearings on both issues will be forthcoming.

OUT OF WORK SESSION

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Work Session to return to Regular Session.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Gary D. Creed	None
John A. Muffo	
Doug Marrs	
Mary W. Biggs	
James D. Politis	
William H. Brown	
Annette S. Perkins	

BOARD MEMBERS' REPORT

Supervisor Marrs – Western Virginia Regional Jail Authority members traveled to Richmond on January 18 – 19, 2010 to lobby the General Assembly asking them to not cut funding and jail positions at the Regional Jail. He stated that it was discouraging when they were told to either reduce positions or reduce salaries.

Supervisor Marrs also reported that during the General Assembly session, all Delegates and Senators were instructed not to introduce any bills that required funding. If any bills were introduced they would not make it out of committee.

Supervisor Marrs expressed his appreciation to the Assistant County Administrator Carol Edmonds for providing information on the state funding for the WVRJ.

Supervisor Biggs - School Board Meeting options to balance the school budget were presented to the School Board members by Interim School Superintendent Walt Shannon. The budget options did not include any changes from the State as they are not known at this time.

Library Board - At their January 20, 2010 meeting, the Library Board decided to dedicate a reading garden at the Christiansburg Library to honor Joy Foster. A ceremony will be held in the spring 2010. Supervisor Biggs requested the Resolution of Commemoration for Joy Foster the Board of Supervisors adopted be presented to the family at the ceremony. By Board consensus, the resolution will be presented during the Library's ceremony.

Supervisor Perkins asked if staff received any information regarding the new Governor's amendments to the state budget. The Assistant County Administrator reported that there are rumors there may be some amendments; however, no dates have been confirmed as to when any information will be released.

ADJOURNMENT

On a motion by James D. Politis, seconded by Mary W. Biggs and carried unanimously, the Board adjourned to Monday February 8, 2010 at 6:00 p.m.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
John A. Muffo	None
Doug Marrs	
Mary W. Biggs	
James D. Politis	
William H. Brown	
Gary D. Creed	
Annette S. Perkins	

The meeting adjourned at 10:05 p.m.

APPROVED: _____	ATTEST: _____
Annette S. Perkins	F. Craig Meadows
Chair, Board of Supervisors	County Administrator